

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 06/07/2013

(Per: CMH & JK)

☞ Compile Draft – Appendix A ... Part I ←

Appendix A ☞ The 2013 drafting file for LRB-0058

Appendix B ☞ The 2013 drafting file for LRB-1722

Appendix C ☞ The 2013 drafting file for LRB-1771

Appendix D ☞ The 2013 drafting file for LRB-2436

has been copied/added to the drafting file for

2013 LRBs0081

2013 DRAFTING REQUEST

Bill

Received: **9/12/2012** Received By: **jkuesel**
Wanted: **As time permits** Same as LRB:
For: **Terese Berceau (608) 266-3784** By/Representing: **Annika Petty**
May Contact: Drafter: **jkuesel**
Subject: **Elections - miscellaneous** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Berceau@legis.wisconsin.gov**
Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Electronic voter registration

Instructions:

Per 2011 AB-365.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 9/18/2012	evinz 9/28/2012		_____			
/1	jkuesel 5/11/2013		rschluet 9/28/2012	_____	srose 9/28/2012	lparisi 4/24/2013	State S&L
/2		evinz 5/13/2013	rschluet 5/13/2013	_____	srose 5/13/2013	srose 5/13/2013	State S&L

FE Sent For:

<END>

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/2		evinz 5/13/2013	rschluet 5/13/2013	_____	srose 5/13/2013		State S&L

LRB-0058

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/?	agary 9/18/2012	evinz 9/28/2012		_____			
/1			9/28/2012	_____	srose 9/28/2012		State S&L

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12/1	jkuesel 9/14/12	1 rev 9/30/12 1 jld 9/24 jld		9/28/12 jf			

FE Sent For:

<END>

Kuesel, Jeffery

To: Rep. Berceau
Subject: RE: Rep. Berceau drafting request

Annika,
We will take care of your request.

Jeff Kuesel

From: Rep. Berceau
Sent: Tuesday, September 11, 2012 5:11 PM
To: Kuesel, Jeffery
Cc: Petty, Annika
Subject: Rep. Berceau drafting request

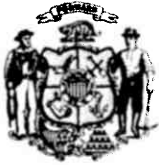
Dear Atty. Kuesel,

Could you redraft 2011 Assembly Bill 365 for the 2013-2014 session?

Thank you!
Annika

Annika L. Petty
Legislative Assistant
Office of Representative Terese Berceau
(608) 266-3784

apetty@legis.wisconsin.gov



State of Wisconsin
2011-2012 LEGISLATURE

2013

2013 BILL

LRB-0064/3
JTK&ARGH:rs

2011 ASSEMBLY BILL 365

November 9, 2011 - Introduced by Representatives BERCEAU, HINTZ, BARCA, BEWLEY, E. COGGS, HEBL, KESSLER, PASCH, POCAN, POPE-ROBERTS, ROYS, ZEPNICK, SINICKI, HULSEY, TURNER, C. TAYLOR and RINGHAND, cosponsored by Senators RISSER, C. LARSON, S. COGGS, TAYLOR, HANSEN and ERPENBACH. Referred to Committee on Election and Campaign Reform.

- 1 AN ACT to amend 5.056, 6.24 (3), 6.275 (1) (b), 6.28 (1), 6.30 (1), 6.32, 6.33 (1),
2 6.33 (2) (a), 6.34 (2), 6.35 (1) (intro.), 6.36 (2) (c), 6.40 (1) (a) 1., 6.40 (1) (c), 6.50
3 (10), 6.55 (2) (d), 6.86 (3) (c), 6.87 (4) (b) 1., 7.08 (1) (c), 85.61 (1) and 343.027;
4 to repeal and recreate 343.027; and to create 6.30 (5), 6.34 (2m), 6.34 (4) and
5 6.35 (2) of the statutes; relating to: electronic voter registration, verification
6 of certain registrations, and proof of residence for voting in an election and
7 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Currently, a qualified elector may register to vote at any election by mail or by completing a registration form with a special registration deputy no later than the 20th day before the election. A qualified elector may also register to vote at an election in person at the office of the municipal clerk or board of election commissioners for the municipality where the elector resides no later than 5 p.m. on the day before the election. In order to register, an elector must provide his or her name and address and certain other information required to ascertain his or her eligibility and must sign the form. With certain exceptions, an elector who registers after the 20th day before an election or an elector who registers by mail and who has not voted before in an election in this state must provide proof of residence prior to voting. Currently, the clerk or board of election commissioners must verify each

in person at the office of the municipal clerk or board of election commissioners for the municipality where the elector resides

Friday

ASSEMBLY BILL 365

registration received by mail or submitted by a special registration deputy by sending a first-class letter or postcard to the registrant at the registrant's address.

This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to register to vote at an election electronically on a secure Internet site maintained by the Government Accountability Board (GAB). The bill requires an electronic registration to be completed no later than the 20th day before an election in order to be valid for that election. Under the bill, a qualified elector enters the same information that appears on the current registration form and authorizes DOT to forward a copy of his or her electronic signature to GAB. The authorization affirms that all information provided by the elector is correct and has the same effect as if the elector signed the form personally. The bill also permits an elector who is currently registered to vote and who has a current and valid driver's license or identification card to electronically enter a change of name or address using a similar procedure. Under the bill, an electronic registration is treated the same as a mail registration. GAB or the clerk or board of election commissioners of the elector's municipality of residence must verify the registration by sending a first-class letter or postcard to the registrant at the registrant's address and, if the registrant is voting for the first time in an election in this state, the registrant must provide proof of residence before voting in the election. However, the bill also provides that if an elector who registers electronically provides his or her Wisconsin driver's license number, together with his or her name and date of birth, and GAB is able to verify the information electronically at the time of registration by electronically accessing records of DOT, the elector need not provide proof of residence prior to voting. The bill directs GAB and DOT to enter into an agreement that permits GAB to verify the necessary information instantly by accessing DOT's electronic files. X (S) 1

Currently, each municipal clerk and board of election commissioners must maintain a file of voter registration forms for the electors of the municipality. This bill provides that the clerk or board must maintain registrations that are entered electronically in the manner prescribed by GAB, by rule.

The changes first apply with respect to registration for voting at the first spring ~~or September~~ primary election that follows the day the bill becomes law by at least six months. * on which

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 5.056^{*} of the statutes is amended to read:
- 2 **5.056 Matching program with secretary of transportation.** The
- 3 administrator of the elections division of the board shall enter into the agreement

1 with the secretary of transportation specified under s. 85.61 (1) to match personally
2 identifiable information on the official registration list maintained by the board
3 under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally
4 identifiable information maintained by the department of transportation.

5 **SECTION 2.** 6.24[✓] (3) of the statutes is amended to read:

6 6.24 (3) REGISTRATION. The overseas elector shall register in the municipality,
7 where he or she was last domiciled or where the overseas elector's parent was last
8 domiciled on a form prescribed by the board designed to ascertain the elector's
9 qualifications under this section. The form shall be substantially similar to the
10 original form under s. 6.33 (1), insofar as applicable. Registration shall be
11 accomplished in accordance with s. 6.30 (4) or (5).[✓]

12 **SECTION 3.** 6.275^{*} (1) (b) of the statutes is amended to read:

13 6.275 (1) (b) The total number of electors of the municipality residing in that
14 county who were preregistered on the deadline specified in s. 6.28 (1), including valid
15 mail registrations which are postmarked by that day and valid electronic
16 registrations entered under s. 6.30 (5).[✓]

17 **SECTION 4.** 6.28 (1) of the statutes is amended to read:

18 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29
19 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m.
20 on the 3rd Wednesday preceding the election. Registrations made by mail under s.
21 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later
22 than the 3rd Wednesday preceding the election. Electronic registration for an
23 election under s. 6.30 (5) shall close at midnight on the 3rd Wednesday preceding the
24 election. All applications for registration corrections and additions may be made
25 throughout the year at the office of the city board of election commissioners, at the

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SECTION 4

1 office of the municipal clerk, at the office of the county clerk, or at other locations
2 provided by the board of election commissioners or the common council in cities over
3 500,000 population or by either or both the municipal clerk, or the common council,
4 village or town board in all other municipalities and may also be made during the
5 school year at any high school by qualified persons under sub. (2) (a). Other
6 registration locations may include but are not limited to fire houses, police stations,
7 public libraries, institutions of higher education, supermarkets, community centers,
8 plants and factories, banks, savings and loan associations and savings banks.
9 Special registration deputies shall be appointed for each location unless the location
10 can be sufficiently staffed by the board of election commissioners or the municipal
11 clerk or his or her deputies. An elector who wishes to obtain a confidential listing
12 under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality
13 where the elector resides.

14 SECTION 5. 6.30 (1) of the statutes is amended to read:

15 6.30 (1) IN PERSON. An elector shall apply for registration in person, except as
16 provided under sub. [✓]sub. (4) [✓]and [✓](5) and s. 6.86 (3) (a) 2.

17 SECTION 6. 6.30 (5) of the statutes is created to read:

18 6.30 (5) BY ELECTRONIC APPLICATION. [✓]Any eligible elector who holds a current
19 and valid operator's license issued under ch. [✓]343 or a current and valid identification
20 card issued under s. [✓]343.50 may register electronically in the manner prescribed by
21 the board. The board shall maintain on the [✓]Internet a secure registration form that
22 enables the elector to enter the information required under s. [✓]6.33 (1) electronically.
23 The form shall contain an authorization for the board to obtain from the department
24 of transportation an electronic copy of the applicant's signature, which signature
25 shall constitute an affirmation that all information provided by the elector is correct

1 and shall have the same effect as if the applicant had signed the application
2 personally. Upon submittal of the electronic application, the board shall obtain from
3 the department of transportation a copy of the electronic signature of the applicant
4 and shall integrate the signature into the applicant's electronic application. The
5 board shall maintain the electronically integrated application on file together with
6 nonelectronic applications and shall notify the municipal clerk or board of election
7 commissioners of the municipality where the applicant resides of its receipt of each
8 completed application. The board shall also permit any elector who has a current and
9 valid operator's license issued to the elector under ch. 343 or a current and valid
10 identification card issued under s. 343.50 to make changes in his or her registration
11 authorized under s. 6.40 (1) at the same Internet site that is used by electors for
12 original registration under this subsection. An elector shall attest to the correctness
13 of any changes in the same manner as provided in this subsection for information
14 entered on an application for original registration.

15 ^x
SECTION 7. 6.32 of the statutes is amended to read:

16 **6.32 Verification of certain registrations.** (1) Upon receipt of a
17 registration form that is submitted by mail under s. 6.30 (4) or by electronic
18 application under s. 6.30 (5) or that is submitted by a special registration deputy
19 appointed under s. 6.26, the board or municipal clerk shall examine the form for
20 sufficiency.

21 (2) If the form is insufficient to accomplish registration or the board or clerk
22 knows or has reliable information that the proposed elector is not qualified, the board
23 or clerk shall notify the proposed elector within 5 days, if possible, and request that
24 the elector appear at the clerk's office or ~~other~~ another registration center location
25 to complete a proper registration or substantiate the information presented.

ASSEMBLY BILL 365

SECTION 7

1 (3) If the form is submitted later than the close of registration, the [✓]board or
2 clerk shall make a good faith effort to notify the elector that he or she may register
3 at the clerk's office under s. 6.29 or at the proper polling place or other location
4 designated under s. 6.55 (2).

5 (4) If the form is sufficient to accomplish registration and the [✓]board or clerk has
6 no reliable information to indicate that the proposed elector is not qualified, the
7 board or [✓]clerk shall enter the elector's name on the registration list and transmit a
8 1st class letter or postcard to the registrant, specifying the elector's ward ~~or~~ and
9 aldermanic district, or both, if any, and polling place. The letter or postcard shall be
10 sent within 10 days of receipt of the form. If the letter or postcard is returned, or if
11 the board or [✓]clerk is informed of a different address than the one specified by the
12 elector, the board or [✓]clerk shall change the status of the elector on the list from
13 eligible to ineligible. The letter or postcard shall be marked in accordance with postal
14 regulations to ensure that it will be returned to the [✓]board or clerk if the elector does
15 not reside at the address given on the letter or postcard.

16 SECTION 8. 6.33^x (1) of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~ is
17 amended to read:

18 6.33 (1) The board shall prescribe the format, size, and shape of registration
19 forms. All ^{plans}~~nonelectronic~~ forms shall be printed on cards and each item of information
20 shall be of uniform font size, as prescribed by the board. Except as provided in this
21 subsection, [✓]electronic forms shall contain the same information as nonelectronic
22 forms. The municipal clerk shall supply sufficient forms to meet voter registration
23 needs. The forms shall be designed to obtain from each applicant information as to
24 name; date; residence location; location of previous residence immediately before
25 moving to current residence location; citizenship; date of birth; age; the number of

1 a current and valid operator's license issued to the elector under ch. 343 or the last
2 4 digits of the elector's social security account number; whether the applicant has
3 resided within the ward or election district for ~~at least 28~~ the number of consecutive
4 days [✓] specified in s. 6.02 (1); whether the applicant has been convicted of a felony for
5 which he or she has not been pardoned, and if so, whether the applicant is
6 incarcerated, or on parole, probation, or extended supervision; whether the applicant
7 is disqualified on any other ground from voting; and whether the applicant is
8 currently registered to vote at any other location. ~~The~~ Except as provided in s. 6.30
9 (5), [✓] the form shall include a space for the applicant's signature. Below the space for
10 the signature, the form shall state "Falsification of information on this form is
11 punishable under Wisconsin law as a Class I felony.". The form shall include a space
12 to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or
13 inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and
14 a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,
15 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.
16 The form shall include a space for entry of the ward and aldermanic district, if any,
17 where the elector resides and any other information required to determine the offices
18 and referenda for which the elector is certified to vote. The form shall also include
19 a space where the clerk may record an indication of whether the form is received by
20 mail or by electronic application, [✓] a space where the clerk may record an indication
21 of the type of identifying document submitted by the elector as proof of residence
22 under s. 6.34 or an indication that the elector's information in lieu of proof of
23 residence was verified under s. 6.34 (2m), [✓] whenever required, and a space where the
24 clerk, for any applicant who possesses a valid voting identification card issued to the
25 person under s. 6.47 (3), may record the identification serial number appearing on

1 the voting identification card. Each county clerk shall obtain sufficient registration
2 forms for completion by an elector who desires to register to vote at the office of the
3 county clerk under s. 6.28 (4).

4 **SECTION 9.** 6.33^{*} (2) (a) of the statutes is amended to read:

5 6.33 (2) (a) All information may be recorded by any person, except that the ward
6 and aldermanic district, if any, other geographic information under sub. (1), the
7 indication of whether the registration is received by mail[✓] or by electronic application,
8 the type of identifying document submitted by the elector as proof of residence under
9 s. 6.34 or the indication of verification of information in lieu of proof of residence
10 under s. 6.34 (2m)[✓], whenever required, and any information relating to an applicant's
11 voting identification card shall be recorded by the clerk. ~~Each~~ Except as provided in
12 s. 6.30 (5)[✓], each applicant shall sign his or her own name unless the applicant is
13 unable to sign his or her name due to physical disability. In such case, the applicant
14 may authorize another elector to sign the form on his or her behalf. If the applicant
15 so authorizes, the elector signing the form shall attest to a statement that the
16 application is made upon request and by authorization of a named elector who is
17 unable to sign the form due to physical disability.

18 **SECTION 10.** 6.34^{*} (2) of the statutes, ~~as affected by 2011 Wisconsin Act 22,~~
19 amended to read:

20 6.34 (2) Upon completion of a registration form prescribed under s. 6.33, each
21 eligible elector who is required to register under s. 6.27, who is not a military elector
22 or an overseas elector, and who registers after the close of registration under s. 6.29
23 or 6.86 (3) (a) 2., shall provide an identifying document that establishes proof of
24 residence under sub. (3). ~~Each~~ Except as authorized in sub. (2m)[✓], each eligible elector
25 who is required to register under s. 6.27, who is not a military elector or an overseas

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1 elector, who registers by mail or by electronic application✓, and who has not voted in
2 an election in this state shall, if voting in person, provide an identifying document
3 that establishes proof of residence under sub. (3) or, if voting by absentee ballot,
4 provide a copy of an identifying document that establishes proof of residence under
5 sub. (3). If the elector registered by mail or by electronic application✓, the identifying
6 document may not be a residential lease.

7 **SECTION 11.** 6.34 (2m) of the statutes is created to read:

8 6.34 (2m) An elector who registers by electronic application under s. 6.30 (5)
9 is not required to provide proof of residence under sub. (2)✓ if, at the time of
10 registration, the elector provides the number of a current and valid operator's license
11 issued under ch. 343✓ together with the elector's name and date of birth and the board
12 is able to verify the information using the system maintained under sub. (4)✓.

13 **SECTION 12.** 6.34 (4) of the statutes is created to read:

14 6.34 (4) The board shall maintain a system that electronically verifies, on an
15 instant basis, information submitted in lieu of proof of residence under sub. (2m)✓
16 using the information maintained by the department of transportation pursuant to
17 the board's agreement with the secretary of transportation under s. 6.056✓
85.610✓

18 **SECTION 13.** 6.35 (1) (intro.) of the statutes is amended to read:

19 6.35 (1) (intro.) Under the direction of the municipal clerk or board of election
20 commissioners, the original registration forms shall be filed in one of the following
21 ways, except as provided in sub. subs. (1m) and (2):

22 **SECTION 14.** 6.35 (2) of the statutes is created to read:

23 6.35 (2) The board shall prescribe✓ by rule, the procedure and methods by which
24 municipal clerks and boards of election commissioners shall maintain records of
25 registrations that are entered electronically under s. 6.30 (5)✓.

ASSEMBLY BILL 365

SECTION 15

1 ^{*}
SECTION 15. 6.36 (2) (c) of the statutes is amended to read:

2 6.36 (2) (c) The list shall contain, next to the name of each elector, an indication
3 of whether proof of residence under s. 6.34 is required for the elector to be permitted
4 to vote. Proof Except as authorized in s. 6.34 (2m) [✓] proof of residence is required if
5 the elector is not a military elector or an overseas elector and the elector registers by
6 mail or by electronic application [✓] and has not previously voted in an election in this
7 state.

8 ^{*}
SECTION 16. 6.40 (1) (a) 1. of the statutes ^{as affected by 2011 Wisconsin Act 23,}
9 is amended to read:

10 6.40 (1) (a) 1. Any registered elector may transfer registration after a change
11 of residence within the state by filing in person with the municipal clerk of the
12 municipality where the elector resides or by mailing to the municipal clerk a signed
13 request stating his or her present address, affirming that this will be his or her
14 residence for ~~28~~ the number of consecutive days [✓] specified in s. 6.02 (1) prior to the
15 election, [✓] and providing the address where he or she was last registered.
16 Alternatively, the elector may transfer his or her registration at the proper polling
17 place or other registration location under s. 6.02 (2) in accordance with s. 6.55 (2) (a),
18 or, if the elector has a current and valid operator's license issued to the elector under
19 ch. 343 [✓] or a current and valid identification card issued to the elector under s. 343.50,
20 the elector may transfer his or her registration electronically under s. 6.30 (5). [✓] If an
21 elector is voting in the ward or election district where the elector formerly resided,
22 the change shall be effective for the next election.

23 ^{*}
SECTION 17. 6.40 (1) (c) of the statutes is amended to read:

24 6.40 (1) (c) *Name change.* Whenever an elector's name is legally changed,
25 including a change by marriage or divorce, the elector shall transfer his or her

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1 registration to his or her legal name by appearing in person or mailing to the
2 municipal clerk a signed request for a transfer of registration to such name.
3 Alternatively, a registered elector may make notification of a name change at his or
4 her polling place under s. 6.55 (2) (d), or, if the elector has a current and valid
5 operator's license issued to the elector under ch. 343 [✓] or a current and valid
6 identification card issued under s. 343.50 [✓], the elector may make notification of a
7 name change electronically under s. 6.30 (5) [✓].

8 SECTION 18. 6.50 ^x(10) of the statutes is amended to read:

9 6.50 (10) Any qualified elector whose registration is changed from eligible to
10 ineligible status under this section may reregister as provided under s. 6.28 (1), 6.29
11 (2), or 6.55 (2), or, if the elector has a current and valid operator's license issued to
12 the elector under ch. 343 [✓] or a current and valid identification card issued under s.
13 343.50 [✓], may reregister under s. 6.30 (5) [✓].

14 SECTION 19. 6.55 ^x(2) (d) of the statutes is amended to read:

15 6.55 (2) (d) A registered elector who has changed his or her name but resides
16 at the same address, and has not ~~notified the municipal clerk~~ [✓] previously provided
17 notice of the change under s. 6.40 (1) (c), shall notify the inspector of the change
18 before voting. The inspector shall then notify the municipal clerk at the time when
19 materials are returned under s. 6.56 (1). If an elector has changed both a name and
20 address, the elector shall register at the polling place or other registration location
21 under pars. (a) and (b).

22 SECTION 20. 6.86 ^x(3) (c) of the statutes ~~as affected by 2011 Wisconsin Act 23,~~
23 is amended to read:

24 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
25 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier

ASSEMBLY BILL 365

1 than 7 days before an election and not later than 5 p.m. on the day of the election.
2 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
3 the municipal clerk and used to check that the electors vote only once, and by
4 absentee ballot. If Except as provided in s. 6.34 (2m),[✓] if the elector is registering for
5 the election after the close of registration or if the elector registered by mail[✓] or by
6 electronic application and has not voted in an election in this state, the municipal
7 clerk shall inform the agent that proof of residence under s. 6.34 is required and the
8 elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot.
9 The clerk shall verify that the name on any required proof of identification presented
10 by the agent conforms to the name on the elector's application. The clerk shall then
11 enter his or her initials on the carrier envelope indicating that the agent presented
12 proof of identification to the clerk. The agent is not required to enter a signature on
13 the registration list. The ballot shall be sealed by the elector and returned to the
14 municipal clerk either by mail or by personal delivery of the agent; but if the ballot
15 is returned on the day of the election, the agent shall make personal delivery to the
16 polling place serving the hospitalized elector's residence before the closing hour or,
17 in municipalities where absentee ballots are canvassed under s. 7.52, to the
18 municipal clerk no later than 8 p.m. on election day.

19 **SECTION 21.** 6.87[✓] (4) (b) 1. of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~
20 is amended to read:

21 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
22 absentee shall make and subscribe to the certification before one witness who is an
23 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the
24 ballot in a manner that will not disclose how the elector's vote is cast. The elector
25 shall then, still in the presence of the witness, fold the ballots so each is separate and

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1 so that the elector conceals the markings thereon and deposit them in the proper
2 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
3 ballot so that the elector conceals the markings thereon and deposit the ballot in the
4 proper envelope. Except as authorized in subds. 2. to 5. and s. 6.875 (6) and
5 notwithstanding s. 343.43 (1) (f), if the elector has not enclosed a copy of his or her
6 proof of identification with his or her application, the elector shall enclose a copy of
7 the proof of identification in the manner provided in sub. (1) in the envelope, unless
8 the elector is a military elector or an overseas elector or the elector has a confidential
9 listing under s. 6.47 (2). If proof of residence under s. 6.34 is required and the
10 document enclosed by the elector under this subdivision does not constitute proof of
11 residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34
12 in the envelope. Proof Except as authorized in s. 6.34 (2m), proof of residence is
13 required if the elector is not a military elector or an overseas elector and the elector
14 registered by mail or by electronic application and has not voted in an election in this
15 state. If the elector requested a ballot by means of facsimile transmission or
16 electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy
17 of the request which bears an original signature of the elector. The elector may
18 receive assistance under sub. (5). The return envelope shall then be sealed. The
19 witness may not be a candidate. The envelope shall be mailed by the elector, or
20 delivered in person, to the municipal clerk issuing the ballot or ballots. If the
21 envelope is mailed from a location outside the United States, the elector shall affix
22 sufficient postage unless the ballot qualifies for delivery free of postage under federal
23 law. Failure to return an unused ballot in a primary does not invalidate the ballot
24 on which the elector's votes are cast. Return of more than one marked ballot in a
25 primary or return of a ballot prepared under s. 5.655 or a ballot used with an

ASSEMBLY BILL 365

1 electronic voting system in a primary which is marked for candidates of more than
2 one party invalidates all votes cast by the elector for candidates in the primary.

3 **SECTION 22.** 7.08^x (1) (c) of the statutes is amended to read:

4 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5)[✓], 6.33
5 (1), 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms
6 shall contain a statement of the penalty applicable to false or fraudulent registration
7 or voting through use of the form. Forms are not required to be furnished by the
8 board.

9 **SECTION 23.** 85.61^x (1) of the statutes is amended to read:

10 85.61 (1) The secretary of transportation and the administrator of the elections
11 division of the government accountability board shall enter into an agreement to
12 match personally identifiable information on the official registration list maintained
13 by the government accountability board under s. 6.36 (1) and the information[✓]
14 specified in s. 6.34 (2m)[✓] with personally identifiable information in the operating
15 record file database under ch. 343 and vehicle registration records under ch. 341 to
16 the extent required to enable the secretary of transportation and the administrator
17 of the elections division of the government accountability board to verify the accuracy
18 of the information provided for the purpose of voter registration.

19 **SECTION 24.** 343.027^x of the statutes is amended to read:

20 **343.027 Confidentiality of signatures.** Any signature collected under this
21 chapter may be maintained by the department and shall be kept confidential, except
22 that the department shall release a signature or a facsimile of a signature to the
23 department of revenue for the purposes of administering state taxes and collecting
24 debt, to the government accountability board, in electronic or digital format, for the
25 purposes specified in s. 6.30 (5)[✓], or to the person to whom the signature relates.

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1 ³SECTION 25. 343.027 of the statutes, as affected by 2007 Wisconsin Act 20 and
2 201~~1~~ Wisconsin Act (this act), is repealed and recreated to read:

3 **343.027 Confidentiality of signatures.** Any signature collected under this
4 chapter may be maintained by the department and shall be kept confidential, except
5 that the department shall release a signature or a facsimile of a signature to the
6 department of revenue for the purposes of administering state taxes and collecting
7 debt, to the government accountability board, in electronic or digital format, for the
8 purposes specified in s. 6.30 (5), to the person to whom the signature relates, to a
9 court, district attorney, county corporation counsel, city, village, or town attorney,
10 law enforcement agency, or to the driver licensing agency of another jurisdiction.

11 **SECTION 26. Nonstatutory provisions.**

12 (1) No later than the 20th day following the end of each calendar quarter, the
13 government accountability board and the department of transportation shall each
14 report to the appropriate standing committees of the legislature in the manner
15 provided in section 13.172 (3) of the statutes concerning its progress in implementing
16 an electronic voter registration system. The board and department shall continue
17 to file reports under this subsection until the board determines that implementation
18 is complete and the performance of the system is satisfactory.

19 **SECTION 27. Fiscal changes.**

20 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
21 to the government accountability board under section 20.511 (1) (a) of the statutes,
22 as affected by the acts of ²⁰¹³~~2011~~, the dollar amount is increased by \$-0- for the first
23 fiscal year of the fiscal biennium in which this subsection takes effect to implement
24 the provisions of this act. In the schedule under section 20.005 (3) of the statutes for
25 the appropriation to the government accountability board under section 20.511 (1)

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1 (a) of the statutes, as affected by the acts of ²⁰¹³~~2011~~, the dollar amount is increased by
2 \$-0- for the second fiscal year of the fiscal biennium in which this subsection takes
3 effect to implement the provisions of this act.

4 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation
5 to the department of transportation under section 20.395 (4) (aq) of the statutes, as
6 affected by the acts of ²⁰¹³~~2011~~, the dollar amount is increased by \$-0- for the first fiscal
7 year of the fiscal biennium in which this subsection takes effect to implement the
8 provisions of this act. In the schedule under section 20.005 (3) of the statutes for the
9 appropriation to the department of transportation under section 20.395 (4) (aq) of the
10 statutes, as affected by the acts of ²⁰¹³~~2011~~, the dollar amount is increased by \$-0- for
11 the second fiscal year of the fiscal biennium in which this subsection takes effect to
12 implement the provisions of this act.

SECTION 28. Initial applicability.

14 (1) This act first applies with respect to registration for voting at the first spring
15 or ^{partisan}~~September~~ primary election that follows the effective date of this subsection by at
16 least 6 months.

17 SECTION 29. Effective dates. This act takes effect on the day after publication,
18 except as follows:

19 (1) The repeal and recreation of section 343.027 of the statutes takes effect on
20 the day after publication, or on the date on which the creation of section 343.165 of
21 the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

22 (END)

d-rde

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0058/lins
JTK.....

INS 3-17:

SECTION 1. 6.28[✓](1) of the statutes is amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 3rd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 3rd Wednesday preceding the election. Electronic registration for an election under s. 6.30 (5)[✓] shall close at midnight on the[✓] 3rd Wednesday preceding the election. All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of the county clerk, or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities. Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks, savings and loan associations and savings banks. Special registration deputies shall be appointed for each location unless the location can be sufficiently staffed by the board of election commissioners or the municipal clerk or his or her deputies. An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

History: 1971 c. 304 s. 29 (2); 1973 c. 166, 225, 334; 1975 c. 85, 199; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1989 a. 31, 192; 1991 a. 221; 1999 a. 49, 182; 2001 a. 38, 51; 2003 a. 265; 2005 a. 451; 2009 a. 302; 2011 a. 240.

(end ins)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

-0058/1dn
LRB-005471dn
JTK/jld:md
+ ARC cere jld

September 23, 2010

-date-

Representative Berceau:

For this draft, ^{we} have included two appropriations to fund implementation costs but have specified "\$-0-" for expenditure in fiscal years ~~2011-12 and 2012-13~~. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate. For this purpose, you may wish to request the fiscal estimate prior to introduction and possibly request a fiscal analysis by the Legislative Fiscal Bureau (Paul Onsager). If federal funding is available for implementation, the statutory mechanism is in place to utilize that funding. You may wish to discuss with GAB whether it thinks that adequate federal funding will be available. If not, you will need to review alternative funding mechanisms. In addition, because this draft imposes new responsibilities on DOT, DOT may need some funding too. Because the biennial budget act repeals and recreates the appropriation schedule under s. 20.005 (3), stats., if the bill resulting from this draft becomes law before enactment of the budget act and the budget act does not include the funding provided in this draft, the effect will be to eliminate the funding provided in this draft. To preserve the funding, you may wish to seek inclusion of the funding in the biennial budget bill.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

ARC

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0058/1dn
JTK&ARG:eev&jld:rs

September 28, 2012

Representative Berceau:

For this draft, we have included two appropriations to fund implementation costs but have specified "\$-0-" for expenditure in fiscal years 2013-14 and 2014-15. When you know the dollar amounts that you need to include in the proposal, contact us and we will either redraft the proposal or draft an amendment, whichever is appropriate. For this purpose, you may wish to request the fiscal estimate prior to introduction and possibly request a fiscal analysis by the Legislative Fiscal Bureau (Paul Onsager). If federal funding is available for implementation, the statutory mechanism is in place to utilize that funding. You may wish to discuss with GAB whether it thinks that adequate federal funding will be available. If not, you will need to review alternative funding mechanisms. In addition, because this draft imposes new responsibilities on DOT, DOT may need some funding too. Because the biennial budget act repeals and recreates the appropriation schedule under s. 20.005 (3), stats., if the bill resulting from this draft becomes law before enactment of the budget act and the budget act does not include the funding provided in this draft, the effect will be to eliminate the funding provided in this draft. To preserve the funding, you may wish to seek inclusion of the funding in the biennial budget bill.

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Parisi, Lori

From: Clark, Lloyd
Sent: Wednesday, April 24, 2013 10:44 AM
To: LRB.Legal
Subject: Draft Review: LRB -0058/1 Topic: Electronic voter registration

Please Jacket LRB -0058/1 for the ASSEMBLY.

Kuesel, Jeffery

To: Clark, Lloyd
Subject: RE: LRB-0058/1 (Electronic Voting)

Lloyd,
I will take another look at this paragraph and try to clarify it.

Jeff Kuesel

From: Clark, Lloyd
Sent: Thursday, May 09, 2013 12:24 PM
To: Kuesel, Jeffery
Subject: Electronic Voting

Hi Jeff,

Rep. Berceau requests that the analysis below relate that the system of sending letter/postcard to verify address is already the procedure when an elector signs up via a special registration deputy/on paper and not at the municipal clerk's office; that the requirements for providing proof of residence is the same except those that are verified via DOT database would not have to provide proof of residence. We want to make perfectly clear that this way of registration is as secure from fraud as our current system.

Under the bill, an electronic registration is treated the same as a mail registration. GAB or the clerk or board of election commissioners of the elector's municipality of residence must verify the registration by sending a first-class letter or postcard to the registrant at the registrant's address and, if the registrant is voting for the first time in an election in this state, the registrant must provide proof of residence before voting in the election. However, the bill also provides that, if an elector who registers electronically provides his or her Wisconsin driver's license number, together with his or her name and date of birth, and GAB is able to verify the information electronically at the time of registration by electronically accessing DOT's records, the elector need not provide proof of residence prior to voting. The bill directs GAB and DOT to enter into an agreement that permits GAB to verify the necessary information instantly by accessing DOT's electronic files.

Thanks for the help, Jeff, I appreciate it. If you have any questions, feel free to call me.

Lloyd Clark
Office of State Representative Terese Berceau
608-266-3784
lloyd.clark@legis.wisconsin.gov